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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			HWANG, JOON H	
			ART UNIT	PAPER NUMBER
			2166	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/625,666

Applicant(s)

DEGUCHI ET AL.

Examiner

Joon H. Hwang

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 43-105 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-54 and 57-105 is/are rejected.
- 7) ☒ Claim(s) 55 and 56 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/6/06</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The applicants amended claims 43-51, 53, 55-68, 71-80, 82, 85-88, 91-92, 94, 96-105 in the amendment received on 3/6/06.

The pending claims are 43-105.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 43-105 have been considered but are moot in view of the new ground(s) of rejection.

### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

4. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

5. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 43, 45, 47, 53, 62, 68, 78, 87, 91, 94, 96, 98, 100, 102, and 104 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 22, 24, 38, 41, 59, and 61 of U.S. Patent No. 6,578,047. Although the conflicting claims are not identical, they are not patentably distinct from each other because of following reasons:

Claims 22 and 24 of Patent No. 6,578,047 contain(s) every element of claims 43, 87, and 91 of the instant application and thus anticipate the claim(s) of the instant application. Claims of the instant application therefore are not patentably distinct from the earlier patent claims and as such are unpatentable over obvious-type double patenting. A later patent/application claim is not patentably distinct from an earlier claim if the later claim is anticipated by the earlier claim.

Claims 38 and 41 of Patent No. 6,578,047 contain(s) every element of

claims 45, 47, 53, 62, 68, 78, and 94 of the instant application and thus anticipate the claim(s) of the instant application. Claims of the instant application therefore are not patently distinct from the earlier patent claims and as such are unpatentable over obvious-type double patenting. A later patent/application claim is not patentably distinct from an earlier claim if the later claim is anticipated by the earlier claim.

Claims 59 and 61 of Patent No. 6,578,047 contain(s) every element of claims 96, 98, 100, 102, and 104 of the instant application and thus anticipate the claim(s) of the instant application. Claims of the instant application therefore are not patently distinct from the earlier patent claims and as such are unpatentable over obvious-type double patenting. A later patent/application claim is not patentably distinct from an earlier claim if the later claim is anticipated by the earlier claim.

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a 35 patent claim to a species within that genus). " ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

"Claim 12 and Claim 13 are generic to the species of invention covered by claim 3 of the patent. Thus, the generic invention is "anticipated" by the species of the patented invention. Cf., *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985) (holding that an earlier species disclosure in the prior art defeats any generic claim) 4. This court's predecessor has held that, without a terminal disclaimer, the species claims preclude issuance of the generic application. *In re Van Ornum*, 686 F.2d 937, 944, 214 USPQ 761, 767 (CCPA 1982); *Schneller*, 397 F.2d at 354. Accordingly, absent a terminal disclaimer, claims 12 and 13 were properly rejected under the doctrine of obviousness-type double patenting." (*In re Goodman* (CA FC) 29 USPQ2d 2010 (12/3/1993).

***Claim Rejections - 35 USC § 102***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 43, 45, 47-51, 53, 59-62, 65-81, 83-86, 91-93, and 96-105 are rejected under 35 U.S.C. 102(e) as being anticipated by Deguchi (U.S. Patent No. 6,578,047).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With respect to claim 43, Deguchi teaches a record medium including a control program that causes an inputting unit to perform the steps of: storing time information representing a user operation occurring during a broadcast without storing any corresponding broadcast station identification information (lines 23-34 in col. 4, line 57 in col. 10 thru line 28 in col. 11, and fig. 2); retrieving the time information from storage (lines 39-52 in col. 9 and fig. 2); and transmitting the time information stored at the storing step to an external unit and inputting the time information to a searching unit (lines 39-52 in col. 9 and fig. 2), wherein the searching unit searches a database including broadcast information indicating broadcast contents and associated times of broadcasting using at least the inputted time information (lines 36-47 in col. 3 and lines 23-35 in col. 4).

With respect to claim 45, Deguchi teaches a record medium including a control program that causes an inputting unit having a counter to perform the steps of: providing a count value based on a predetermined clock signal (lines 27-40 and 52-64 in col. 8); storing the count value when a user performs an operation during a broadcast (lines 27-40 and 52-64 in col. 8); communicating the count value stored at the storing the count value step to an external unit (lines 27-40 and 52-64 in col. 8 and fig. 2); converting the count value to time information indicating when the user operation occurred at the external unit (lines 27-40 and 52-64 in col. 8); and inputting the converted time information to a searching unit (lines 27-40 and 52-64 in col. 8 and fig. 2), wherein the searching unit searches a database including information indicating broadcast contents and an associated time of broadcasting using at least the converted

Art Unit: 2166

time information (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8).

With respect to claim 47, Deguchi teaches an inputting unit comprising: a counter configured to provide a count value based on a predetermined clock signal (lines 27-40 and 52-64 in col. 8); a storage unit configured to store the count value of said counter when a user performs an operation during a broadcast (lines 27-40 and 52-64 in col. 8); a connecting portion configured to connect the inputting unit to an external unit (fig. 4, lines 41-49 in col. 5, and lines 17-26 in col. 6); and a communicating unit configured to communicate the count value stored in said storage unit to the external unit through said connecting portion (lines 27-40 and 52-64 in col. 8 and fig. 2), wherein the external unit converts the count value to time information indicating when the user operation occurred during the broadcast and inputs the time information to a searching unit (lines 27-40 and 52-64 in col. 8 and fig. 2), the searching unit searching a database including broadcast information indicating broadcast contents and an associated time the broadcast occurred using at least the converted time information (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8).

With respect to claim 48, Deguchi teaches the broadcast contents includes information identifying the contents (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8).

With respect to claim 49, Deguchi teaches the user operation during a broadcast occurs when the user determines that the broadcast includes desired contents (lines 23-40 in col. 4).



With respect to claim 50, Deguchi teaches a junction unit including, a base having an attaching portion configured to attach with said connecting portion, the attaching portion being disposed on an upper surface of said base (fig. 4, lines 41-49 in col. 5, and lines 17-26 in col. 6); and a coupling portion extending from the base, the coupling portion being configured to couple the attaching portion to the external unit (fig. 4, lines 41-49 in col. 5, and lines 17-26 in col. 6).

With respect to claim 51, Deguchi teaches the connecting portion is integrally formed with a main body of the inputting unit (fig. 4, lines 41-49 in col. 5, and lines 17-26 in col. 6).

With respect to claim 53, Deguchi teaches an inputting unit comprising: a counter configured to provide a count value based on a predetermined clock signal (lines 27-40 and 52-64 in col. 8); storing means for storing the count value of said counter when a user performs an operation during a broadcast (lines 27-40 and 52-64 in col. 8); displaying means for displaying the count value stored in said storing means (lines 8-16 in col. 6, lines 27-40 and 52-64 in col. 8, and line 61 in col. 11 thru line 16 in col. 12); and communicating means for communicating the count value stored in said storing means to an external unit (lines 27-40 and 52-64 in col. 8 and fig. 2), wherein the external unit converts the communicated count value to time information indicating when the user operation occurred during the broadcast and inputs the time information to a searching unit (lines 27-40 and 52-64 in col. 8 and fig. 2), the searching unit searching a database including broadcast information indicating broadcast contents and an associated time the broadcast occurred using at least time converted time

Art Unit: 2166

information (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8).

With respect to claim 59, Deguchi teaches the user operation during a broadcast occurs when the user determines that the broadcast includes desired contents (lines 23-40 in col. 4).

With respect to claim 60, Deguchi teaches the communicating means communicates the count value to the external unit configured as an information terminal unit that is installed as a public unit (lines 51-55 in col. 4).

With respect to claim 61, Deguchi teaches the broadcast contents includes information identifying the contents (lines 36-47 in col. 3 and lines 23-35 in col. 4).

With respect to claim 62, Deguchi teaches an inputting unit comprising: a counter configured to provide a count value based on a predetermined clock signal (lines 27-40 and 52-64 in col. 8); storing means for storing the count value of said counter when a user performs an operation during a broadcast (lines 27-40 and 52-64 in col. 8); communicating means for communicating the count value stored in said storing means to an external unit (lines 27-40 and 52-64 in col. 8 and fig. 2); and sound generating means for generating a sound corresponding to the count value stored in said storing means (lines 19-22 in col. 7), wherein the external unit converts the communicated count value to time information indicating when the user operation occurred during the broadcast and inputs the time information to a searching unit (lines 27-40 and 52-64 in col. 8 and fig. 2), the searching unit searching a database including broadcast information indicating broadcast contents and an associated time of broadcasting using

at least the converted time information (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8).

With respect to claim 65, Deguchi teaches the user operation during a broadcast occurs when the user determines that the broadcast includes desired contents (lines 23-40 in col. 4).

With respect to claim 66, Deguchi teaches the communicating means communicates the count value to the external unit configured as an information terminal unit that is installed as a public unit (lines 51-55 in col. 4).

With respect to claim 67, Deguchi teaches the broadcast contents includes information identifying the contents (lines 36-47 in col. 3 and lines 23-35 in col. 4).

With respect to claim 68, Deguchi teaches an inputting unit for inputting information representing time, comprising: a counter configured to provide a count value based on a predetermined clock signal (lines 27-40 and 52-64 in col. 8); first storing means for storing the count value of said counter when a user performs an operation during a broadcast (lines 27-40 and 52-64 in col. 8); identification information generating means for generating predetermined content identification information corresponding to the user's operation (lines 8-16 in col. 6 and line 37 in col. 7 thru line 4 in col. 8); second storing means for storing the identification information generated by said identification information generating means (lines 8-16 in col. 6, line 37 in col. 7 thru line 4 in col. 8, lines 43-53 in col. 12, and lines 5-22 in col. 16); and communicating means for communicating the count value stored in said first storing means and the identification information stored in said second storing means to an external unit (line 37 in col. 7 thru

Art Unit: 2166

line 4 in col. 8, lines 27-40 and 52-64 in col. 8, lines 16-28 in col. 13, lines 23-34 in col. 16, and fig. 2), wherein the external unit converts the communicated count value to information representing time and the converted information representing time and the content identification information are input to a searching unit (line 37 in col. 7 thru line 4 in col. 8, lines 27-40 and 52-64 in col. 8, lines 16-28 in col. 13, lines 23-34 in col. 16, and fig. 2), the searching unit searching a database including broadcast information indicating broadcast contents and an associated time of broadcast using at least the converted time information (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8).

With respect to claim 69, Deguchi teaches the first storing means and the second storing means store the count value and the identification information to a common memory disposed in the inputting unit (lines 8-16 in col. 6 and fig. 5).

With respect to claim 70, Deguchi teaches the first storing means and the second storing means store the count value and the identification information to discrete memories disposed in the inputting unit (lines 8-16 in col. 6 and fig. 5).

With respect to claim 71, Deguchi teaches at least one button, wherein said identification information generating means includes means for detecting different manners that the user presses the at least one button and for generating different content identification information corresponding to the different manners that the user presses the at least one button (lines 8-16 in col. 6, line 37 in col. 7 thru line 4 in col. 8, lines 43-63 in col. 12, and lines 5-34 in col. 16).

With respect to claim 72, Deguchi teaches displaying means for displaying the count value stored in the first storing means (lines 8-16 in col. 6, lines 27-40 and 52-64 in col. 8, and line 61 in col. 11 thru line 16 in col. 12), wherein the displaying means displays the count value in a different manner that varies corresponding to the identification information (lines 8-16 in col. 6, lines 27-40 and 52-64 in col. 8, and line 61 in col. 11 thru line 16 in col. 12).

With respect to claim 73, Deguchi teaches the user operation during a broadcast occurs when the user determines that the broadcast includes desired broadcast contents (lines 23-40 in col. 4).

With respect to claim 74, Deguchi teaches the communicating means communicates the count value to the external unit configured as an information terminal unit that is installed as a public unit (lines 51-55 in col. 4).

With respect to claim 75, Deguchi teaches the content identification information is information that identifies whether the contents are television broadcast contents or radio broadcast contents (lines 56-67 in col. 4, lines 8-16 in col. 6, line 37 in col. 7 thru line 4 in col. 8, lines 43-53 in col. 12, and lines 5-22 in col. 16).

With respect to claim 76, Deguchi teaches the content identification information is information that identifies whether the contents were broadcast in a predetermined area or out of the predetermined area (lines 8-16 in col. 6, line 37 in col. 7 thru line 4 in col. 8, lines 43-53 in col. 12, and lines 5-22 in col. 16).

With respect to claim 77, Deguchi teaches the content information includes information identifying the contents (lines 36-47 in col. 3 and lines 23-35 in col. 4).

With respect to claim 78, Deguchi teaches an inputting unit comprising: a counter configured to provide a count value based on a predetermined clock signal (lines 27-40 and 52-64 in col. 8); first storing means for storing the count value of said counter when a user performs an operation during a broadcast (lines 27-40 and 52-64 in col. 8); communicating means for communicating with an external unit and communicating the count value stored in said first storing means to the external unit (lines 27-40 and 52-64 in col. 8 and fig. 2); and second storing means for storing data transmitted from the external unit through the communicating means (lines 37-56 in col. 10), wherein the external unit converts the communicated count value to time information representing time and inputs the time information to a searching unit (lines 27-40 and 52-64 in col. 8 and fig. 2), the searching unit searching a database including broadcast information indicating broadcast contents and an associated time of broadcasting using at least the converted time information (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8).

With respect to claim 79, Deguchi teaches the broadcast contents information includes information identifying the contents (lines 36-47 in col. 3 and lines 23-35 in col. 4).

With respect to claim 80, Deguchi teaches the data stored in the second storing means includes the broadcast contents or information thereabout (lines 37-56 in col. 10).

With respect to claim 81, Deguchi teaches the data stored in the second storing means is compression-encoded audio data (lines 19-22 in col. 7), and wherein the

inputting unit further comprises: audio data reproducing means for decoding the compression-encoded audio data and reproducing the decoded audio data (lines 19-22 in col. 7).

With respect to claim 83, Deguchi teaches the first storing means and the second storing means store the count value and the data to a common memory disposed in the inputting unit (lines 8-16 in col. 6 and fig. 5).

With respect to claim 84, Deguchi teaches the first storing means and the second storing means store the count value and the data to discrete memories disposed in the inputting unit (lines 8-16 in col. 6 and fig. 5).

With respect to claim 85, Deguchi teaches the user operation during a broadcast occurs when the user determines that the broadcast includes desired broadcast contents (lines 23-40 in col. 4).

With respect to claim 86, Deguchi teaches communicating means communicates the count value to the external unit configured as an information terminal unit that is installed as a public unit (lines 51-55 in col. 4).

With respect to claim 91, Deguchi teaches an inputting unit comprising: first storing means for storing time information representing predetermined time corresponding to an operation by a user occurring during a broadcast without storing any corresponding broadcast station identification information (lines 23-34 in col. 4, line 57 in col. 10 thru line 28 in col. 11, and fig. 2); communicating means for communicating with an external unit and transmitting the time information stored in said first storing means to the external unit (lines 39-52 in col. 9 and fig. 2); and second storing means

for storing data transmitted from the external unit through said communicating means (lines 37-56 in col. 10), wherein information representing time is input to a searching unit, the searching unit searching information representing contents from a database corresponding to the time information representing time at which the contents were broadcast, the database correlatively storing the information representing the contents and broadcast time thereof (lines 36-47 in col. 3 and lines 23-35 in col. 4).

With respect to claim 92, Deguchi teaches the data stored in the second storing means is the contents or information about the content (lines 37-56 in col. 10).

With respect to claim 93, Deguchi teaches the information representing the contents includes information about the contents (lines 36-47 in col. 3 and lines 23-35 in col. 4).

With respect to claim 96, Deguchi teaches an inputting method for an inputting unit having a counter, the method comprising the steps of: providing a count value from the counter based on a predetermined clock signal (lines 27-40 and 52-64 in col. 8); storing the count value when a user performs an operation during a broadcast (lines 27-40 and 52-64 in col. 8); directly connecting the input unit to an external unit (fig. 4, lines 41-49 in col. 5, and lines 17-26 in col. 6); communicating the count value stored at the storing the count value step to the external unit connected at the connecting step (lines 27-40 and 52-64 in col. 8 and fig. 2); converting the count value to time information indicating when the user operation occurred (lines 27-40 and 52-64 in col. 8); and inputting the converted time information to a searching unit through the external unit (lines 27-40 and 52-64 in col. 8 and fig. 2); wherein the searching unit searches a



Art Unit: 2166

database including information indicating broadcast contents and an associated time of broadcasting using at least the converted time information (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8).

With respect to claim 97, Deguchi teaches the broadcast contents includes information identifying the contents (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8).

With respect to claim 98, Deguchi teaches an inputting method for an inputting unit comprising steps of: providing a count value based a predetermined clock signal (lines 27-40 and 52-64 in col. 8); storing the count value when a user performs an operation during a broadcast (lines 27-40 and 52-64 in col. 8); displaying the count value stored at the storing the count value step (lines 8-16 in col. 6, lines 27-40 and 52-64 in col. 8, and line 61 in col. 11 thru line 16 in col. 12); and communicating the count value stored at the storing the count value step to an external unit (lines 27-40 and 52-64 in col. 8 and fig. 2), converting the count value to time information (lines 27-40 and 52-64 in col. 8), wherein the count value is converted to time information indicating when the user operation occurred at the external unit and then input to a searching unit (lines 27-40 and 52-64 in col. 8 and fig. 2), the searching unit searching a database including information indicating broadcast contents and an associated time of broadcasting using at least the converted time information (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8).

With respect to claim 99, Deguchi teaches the broadcast contents includes information identifying the contents (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8).

With respect to claim 100, Deguchi teaches an inputting method for an inputting unit having a counter comprising the steps of: providing a count value based on a predetermined clock signal (lines 27-40 and 52-64 in col. 8); storing the count value when a user performs an operation during a broadcast (lines 27-40 and 52-64 in col. 8); communicating the count value stored in the storing the count value step to an external unit (lines 27-40 and 52-64 in col. 8 and fig. 2); and generating a sound corresponding to the count value stored in the storing the count value step (lines 19-22 in col. 7), wherein the count value is converted to information representing time and then input to a searching unit (lines 27-40 and 52-64 in col. 8 and fig. 2), the searching unit searching a database including the information indicating broadcast contents and an associated time of broadcasting using at least the converted time information (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8).

With respect to claim 101, Deguchi teaches the broadcast contents includes information identifying the contents (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8).

With respect to claim 102, Deguchi teaches an inputting method for an inputting unit having a counter comprising the steps of: providing a count value based on a predetermined clock signal (lines 27-40 and 52-64 in col. 8); storing the count value when a user performs an operation during a broadcast (lines 27-40 and 52-64 in col. 8);

generating predetermined identification information corresponding to when the user performs the operation during a broadcast (lines 8-16 in col. 6, line 37 in col. 7 thru line 4 in col. 8, lines 43-53 in col. 12, and lines 5-22 in col. 16); storing the predetermined identification information generated in the identification generating predetermined identification information step (lines 8-16 in col. 6, line 37 in col. 7 thru line 4 in col. 8, lines 43-53 in col. 12, and lines 5-22 in col. 16); communicating the count value and the identification information stored when the user performs the operation during a broadcast to an external unit (line 37 in col. 7 thru line 4 in col. 8, lines 27-40 and 52-64 in col. 8, lines 16-28 in col. 13, lines 23-34 in col. 16, and fig. 2), wherein the count value is converted to information representing time and then input to a searching unit (lines 27-40 and 52-64 in col. 8 and fig. 2), the searching unit searching a database including the information indicating broadcast contents and an associated time of day of broadcasting using at least the converted time of day information (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8).

With respect to claim 103, Deguchi teaches the broadcast contents includes information identifying the contents (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8).

With respect to claim 104, Deguchi teaches an inputting method for an inputting unit having a counter comprising the steps of: providing a count value based on a predetermined clock signal (lines 27-40 and 52-64 in col. 8); storing the count value when a user performs an operation during a broadcast (lines 27-40 and 52-64 in col. 8); communicating the count value stored when the user performs the operation during the

broadcast to an external unit (lines 27-40 and 52-64 in col. 8 and fig. 2); and storing data transmitted from the external unit during the communicating step (lines 37-56 in col. 10), wherein the count value is converted to information representing time and then input to a searching unit (lines 27-40 and 52-64 in col. 8 and fig. 2), the searching unit searching a database including the information indicating broadcast contents and an associated time of day of broadcasting using at least the converted time of day information (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8).

With respect to claim 105, Deguchi teaches the broadcast contents includes information identifying the contents (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8).

### ***Claim Rejections - 35 USC § 103***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 44, 46, and 87-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi (U.S. Patent No. 6,578,047) in view of Payne et al. (U.S. Patent No. 6,370,518).

With respect to claim 44, Deguchi discloses the claimed subject matter as discussed above except displaying the number of entries of the time information representing the predetermined time stored at the storing step. However, Payne teaches displaying a number of data entries stored in a memory (lines 45-59 in col. 6

and fig. 6) in order to provide more visual feedback to a user. Therefore, based on Deguchi in view of Payne, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Payne to the system of Deguchi in order to provide more visual feedback to a user.

With respect to claim 46, Deguchi discloses the claimed subject matter as discussed above except displaying the number of entries of the time information representing the predetermined time stored at the storing step. However, Payne teaches displaying a number of data entries stored in a memory (lines 45-59 in col. 6 and fig. 6) in order to provide more visual feedback to a user. Therefore, based on Deguchi in view of Payne, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Payne to the system of Deguchi in order to provide more visual feedback to a user.

With respect to claim 87, Deguchi teaches an inputting unit for inputting information representing time (lines 23-34 in col. 4, line 57 in col. 10 thru line 28 in col. 11, and fig. 2). Deguchi teaches storing means for storing time information representing predetermined time corresponding to an operation by a user (lines 23-34 in col. 4, line 57 in col. 10 thru line 28 in col. 11, and fig. 2). Deguchi teaches communicating means for transmitting the time information stored in the storing means to an external unit (lines 39-52 in col. 9 and fig. 2). Deguchi teaches information representing time is input to a searching unit (lines 39-52 in col. 9 and fig. 2), the searching unit searching information representing contents from a database corresponding to the time information representing time at which the contents were broadcast, the database correlatively

storing the information representing the contents and broadcast time thereof (lines 36-47 in col. 3 and lines 23-35 in col. 4). Deguchi discloses the claimed subject matter as discussed above except displaying the number of entries of the time information stored in the storing means. However, Payne teaches displaying a number of data entries stored in a memory (lines 45-59 in col. 6 and fig. 6) in order to provide more visual feedback to a user. Therefore, based on Deguchi in view of Payne, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Payne to the system of Deguchi in order to provide more visual feedback to a user.

With respect to claim 88, Deguchi teaches the predetermined time is a time at which the user knows his or her desired broadcast contents (lines 23-40 in col. 4).

With respect to claim 89, Deguchi teaches the communicating means transmits the count value to an information terminal unit that is installed as a public unit (lines 51-55 in col. 4).

With respect to claim 90, Deguchi teaches the information representing the contents includes information about the contents (lines 36-47 in col. 3 and lines 23-35 in col. 4).

11. Claims 52 and 63-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi (U.S. Patent No. 6,578,047) in view of Mankovitz (U.S. Patent No. 5,949,492).

With respect to claim 52, Deguchi discloses the claimed subject matter as discussed above except the external unit is an information terminal unit that is installed as a public unit. However, Mankovitz teaches the external unit is an information terminal unit that is installed as a public unit (line 63 in col. 15 thru line 4 in col. 16) in order to increase scalability of the system. Therefore, based on Deguchi in view of Mankovitz, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Mankovitz to the system of Deguchi in order to increase scalability of the system.

With respect to claim 63, Deguchi discloses the claimed subject matter as discussed above except generating a sound corresponding to the user operation when the count value stored in the storing means exceeds a predetermined value. However, Mankovitz teaches the sound generating means generates a sound corresponding to the user operation when the count value stored in the storing means exceeds a predetermined value (lines 42-56 in col. 19) in order to alert the user a status of a storage capacity. Therefore, based on Deguchi in view of Mankovitz, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Mankovitz to the system of Deguchi in order to alert the user a status of a storage capacity.

With respect to claim 64, Deguchi discloses the claimed subject matter as discussed above except generating a sound when the count value stored in the storing means exceeds a predetermined value and the user operation is performed. However, Mankovitz teaches the sound generating means generates a sound when the count

value stored in the storing means exceeds a predetermined value and the user operation is performed (lines 17-41 in col. 32) in order to alert the user a status of a storage capacity. Therefore, based on Deguchi in view of Mankovitz, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Mankovitz to the system of Deguchi in order to alert the user a status of a storage capacity.

12. Claims 54 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi (U.S. Patent No. 6,578,047) in view of Zitzewitz (U.S. Patent No. 6,033,365).

With respect to claims 54 and 57, Deguchi discloses the claimed subject matter as discussed above except representing the count value with geometric shapes members. However, Zitzewitz teaches a count value is represented with geometric shapes (circle, triangle, and rectangle) members on one side of a displaying means (fig. 3 and line 66 in col. 4 thru line 32 in col. 5) in order to provide more visual feedback to a user. Therefore, based on Deguchi in view of Zitzewitz, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Zitzewitz to the system of Deguchi in order to provide more visual feedback to a user.

13. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi (U.S. Patent No. 6,578,047) in view of Barker (U.S. Patent No. 5,818,800).



With respect to claim 58, Deguchi discloses the claimed subject matter as discussed above except representing the count value as the size of an area of the displaying means. However, Barker teaches data (the count value) is represented as the size of an area of the displaying means (fig. 1 and lines 40-51 in col. 2) in order to indicate a status of a memory capacity. Therefore, based on Deguchi in view of Barker, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Barker to the system of Deguchi in order to indicate a status of a memory capacity.

14. Claim 82 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi (U.S. Patent No. 6,578,047) in view of Klonowski (U.S. Patent No. 5,479,514).

With respect to claim 82, Deguchi discloses the claimed subject matter as discussed above except encrypting and decrypting data. However, Klonowski teaches encrypting data corresponding to a predetermined encrypting method and decrypting the encrypted data (abstract and lines 23-67 in col. 2) in order to protect privacy of the data. Therefore, based on Deguchi in view of Klonowski, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Klonowski to the system of Deguchi in order to protect privacy of the data.

15. Claims 94-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi (U.S. Patent No. 6,578,047) in view of Proctor et al. (U.S. Patent No. Re. 32,451).

With respect to claim 94, Deguchi teaches an inputting unit comprising: a counter configured to provide a count value based on a predetermined clock signal (lines 27-40 and 52-64 in col. 8); storing means for storing the count value of said counter when a user performs an operation during a broadcast (lines 27-40 and 52-64 in col. 8); sound generating means for generating a sound (lines 19-22 in col. 7); and communicating means for transmitting the count value stored in said storing means to an external unit (lines 27-40 and 52-64 in col. 8 and fig. 2), wherein the external unit converts the communicated count value to time information indicating when the user operation occurred during the broadcast and inputs the time information to a searching unit (lines 27-40 and 52-64 in col. 8 and fig. 2), the searching unit searching a database including broadcast information indicating broadcast contents and an associated time of broadcasting using at least the converted time information (lines 36-47 in col. 3, lines 23-35 in col. 4, and lines 27-40 and 52-64 in col. 8). Deguchi does not explicitly disclose generating a predetermined sound when the count value is stored to the storing means corresponding to user's operation. However, Proctor teaches generating a predetermined sound when data (a count value) is stored to a memory (the storing means) corresponding to user's operation (lines 40-43 in col. 4) in order to indicate a receipt of a user's operation. Therefore, based on Deguchi in view of Proctor, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of Proctor to the system of Deguchi in order to indicate a receipt of a user's operation.

With respect to claim 95, Deguchi teaches the information representing the contents includes information about the contents (lines 36-47 in col. 3 and lines 23-35 in col. 4).

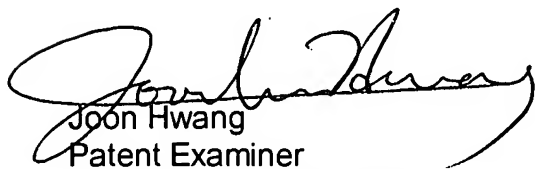
***Allowable Subject Matter***

16. Claims 55 and 56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and as well as a terminal disclaimer.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M~F).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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6/9/06



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